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December 17, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 67 – November 2012
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

 On November 15, CPG, EPA and CPG and EPA consultants held a conference call to discuss CPG proposed revisions to the High Volume Chemical Water Column Monitoring (HV CWCM) QAPP.

Correspondence

- On November 1, CPG provided EPA an update of conditions on the Lower Passaic River due to impacts from Hurricane Sandy and a status update from OSI, the boat company that is contracted to conduct Small Volume (SV) CWCM Routine Flow Event #5 indicating that it may not be possible to conduct the field program in the near term.
- On November 1, EPA responded to CPG and agreed that the conditions in the LPR due to impacts from Hurricane Sandy may cause delays in the SV CWCM and the Background/ Reference field sampling activities.

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- On November 5, CPG notified EPA of the potential need to re-schedule the SV CWCM Routine Flow Event #5 field program due to impacts from Hurricane Sandy.
- On November 5, CPG notified EPA that the Background/Reference sampling program would be conducted the week of November 12-17 and would resume after November 25.
- On November 6, EPA provided recommendations to CPG on the HV CWCM QAPP.
- On November 10, EPA provided CPG a copy of Tierra's QAPP for the Multibeam and Single-beam Bathymetric Survey for Newark Bay for review and comment.
- On November 12, CPG provided notification to EPA of Force Majeure due to effects of Hurricane Sandy that would cause a delay in the SV CWCM Routine Event #5 and Background/Reference Sediment Sampling field programs.
- On November 15, CPG submitted the October Monthly Progress Report to EPA.
- On November 16, CPG notified EPA that the Benthic Background Survey SQT sampling was completed.
- On November 19, CPG submitted comments to EPA on the Newark Bay Multibeam and Single-beam Bathymetric Survey QAPP.
- On November 21, EPA submitted a list to CPG of additional sampling locations in the LPR that they believe require further investigation and requested a QAPP or QAPP addendum to the Supplemental Sediment Sampling Program QAPP to address this additional investigation work.
- On November 26, EPA provided CPG with schedule and oversight plans for the Newark Bay Multi-beam and Single-beam Bathymetry Survey.
- On November 30, EPA notified CPG that Tierra had been requested to include analysis for PCDD/Fs and PCBs in the Newark Bay water column samples during SV CWCM Routine Flow Event #5.
- On November 30, CPG submitted a Protocol Modification Form to EPA for revised sediment quality triad (SQT) sampling locations in Benthic QAPP Addendum 5 – Background Sediment Survey.

Work

- CPG completed chemical analysis of the SV CWCM Low Flow Event samples.
- CPG continued validation of the SV CWCM Low Flow Event data.
- CPG continued preparations for conducting SV CWCM Routine Flow Event #5.
- CPG continued responding to EPA comments on HV CWCM QAPP worksheets and laboratory SOPs.
- CPG continued discussions with associated labs for additional QA/QC testing suggested by EPA for the LPRSA HV CWCM field program.
- CPG completed the Dissolved Oxygen (DO) monitoring program.



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- CPG completed the SQT and sediment chemistry sampling for the Benthic Background Sediment Survey.
- CPG initiated chemical analysis, toxicity testing and taxonomy testing on the Benthic Background Sediment Survey SQT and sediment chemistry samples.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG continued processing the 2012 Bathymetry Survey raw data.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team continued support for design activities for the SV CWCM High Flow Events.
- CPG Modeling Team continued work on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.

(b) Results of Sampling and Tests

None.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will complete validation of SV CWCM Low Flow Event sampling data.
- CPG will conduct SV CWCM Routine Flow Event #5 if River conditions meet SV CWCM QAPP criteria.
- CPG will conduct a SV CWCM High Flow Event if River conditions meet SV CWCM QAPP criteria.
- CPG will conduct a HV CWCM sampling event pending EPA approval of the HV CWCM QAPP Addendum.
- CPG will continue analysis and testing of Benthic Background Sediment Survey sediment samples.
- CPG will conduct chemical analysis of Tissue Background Survey samples after agreeing on compositing and analytical protocols for the tissue samples with EPA.
- CPG will complete drafting the Post-Hurricane Irene Bathymetry Survey of the LPR report.
- CPG will continue drafting the 2012 Bathymetry Survey Report.



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- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.
- CPG will complete its technical memorandum that summarizes the status of the LPR/NB sediment transport model for the RI/FS.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

- Based upon discussions with EPA in September, the CPG understands that EPA considers the calibration of the HQI sediment transport and the chemical fate and transport model sufficient to support the revised FFS for the lower 8 miles of the LPRSA. However, the CPG also understands that EPA provided a revised modeling report to its Partner Agencies for review in November and anticipates conducting an external peer review of the model beginning in February 2013 which will take several months to complete. The CPG is continuing to work on both sediment transport model and the chemical fate and transport model for the LPRSA and incorporating the improvements and other changes that CPG has discussed with EPA. EPA and CPG collaboration meetings were conducted in January, March, June, and September 2012; these and previous meetings are providing an opportunity for both modeling teams to understand differences between each team's approaches. The CPG will be providing a detailed status report on its progress on the LPR/NB modeling in December based in the delays associated with Hurricane Sandy. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is also the CPG's understanding that the Method Detection Studies proposed by Tierra and other work such as construction of the proposed mobile centrifuge/CSO sampling trailer required for Phase 1 work were completed in late August 2012. It is also CPG's understanding the EPA and Tierra have agreed to delay the Phase I CSO sampling due to the failure of the PVSC treatment system and other regional POTWs. The extent of the RI/FS schedule impacts associated with the current Phase 1 sampling schedule (which is now forecast for early



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2013) and with a likely phase 2 field schedule is significant. The CPG is evaluating alternative approaches for CSO/SWO data to be used in the LPR/NB Chemical Fate & Transport Model to maintain a LPRSA RI/FS Study completion date of second quarter 2015.

EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG implemented the changes specified in the July 2011 directive comments and the results of the dispute resolution in the revised RARC which was submitted on April 13, 2012. The EPA provided comments on the revised RARC on August 30, 2012; the CPG is in the process of revising the RARC to reflect these comments.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter Project Coordinator

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cc: Pat Hick, EPA Office of Regional Counsel William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE
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